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D.A. Sackler, Richard S. Sackler, and Theresa  
10 Sackler, and Richard S. Sackler and Jonathan D.  
Sackler in Their Alleged Capacities as Trustees of the  
11 Alleged "Trust for the Benefit of Members of the  
Raymond Sackler Family," and Former Attorneys for Beverly Sackler

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION  
14

15 THE CITY AND COUNTY OF SAN  
16 FRANCISCO, CALIFORNIA and THE  
PEOPLE OF THE STATE OF CALIFORNIA,  
17 acting by and through San Francisco City  
Attorney DENNIS J. HERRERA,

18 Plaintiffs,

19 vs.  
20

21 PURDUE PHARMA L.P., RICHARD S.  
SACKLER, JONATHAN D. SACKLER,  
22 MORTIMER D.A. SACKLER, KATHIE A.  
SACKLER, ILENE SACKLER LEFCOURT,  
BEVERLY SACKLER, THERESA  
23 SACKLER, DAVID A SACKLER, TRUST  
FOR THE BENEFIT OF MEMBERS OF THE  
24 RAYMOND SACKLER FAMILY, RHODES  
PHARMACEUTICALS L.P., CEPHALON,  
25 INC., TEVA PHARMACEUTICAL  
INDUSTRIES LTD., TEVA  
26 PHARMACEUTICALS USA, INC., ENDO  
INTERNATIONAL PLC, ENDO HEALTH  
27 SOLUTIONS INC., ENDO  
PHARMACEUTICALS INC., JANSSEN  
28 PHARMACEUTICALS, INC., INSYS

Case No. 18-cv-7591

The Hon. Charles R. Breyer

**JOINT STIPULATION AND ~~PROPOSED~~**  
**ORDER FOR PARTIAL STAY**

1 THERAPEUTICS, INC., MALLINCKRODT,  
 2 PLC, MALLINCKRODT LLC, ALLERGAN  
 3 PLC f/k/a ACTAVIS PLC, WATSON  
 4 PHARMACEUTICALS, INC. n/k/a  
 5 ACTAVIS, INC., WATSON  
 6 LABORATORIES, INC., ACTAVIS LLC,  
 7 ACTAVIS PHARMA, INC. f/k/a/ WATSON  
 8 PHARMA, INC., AMERISOURCEBERGEN  
 9 CORPORATION, CARDINAL HEALTH,  
 10 INC. and McKESSON CORPORATION,

11 Defendants.

12 Defendants David Sackler, Ilene Sackler Lefcourt, Jonathan Sackler, Kathe Sackler,  
 13 Mortimer D.A. Sackler, Richard Sackler, and Theresa Sackler (the “**Individual Defendants**”), and  
 14 Richard Sackler and Jonathan Sackler in their alleged capacity as trustees (“**Alleged Trustees**”),  
 15 and Plaintiffs The City and County of San Francisco and The People Of The State Of California,  
 16 acting by and through San Francisco City Attorney Dennis J. Herrera (“**Plaintiffs**,” and together  
 17 with the Individual Defendants and Alleged Trustees, the “**Parties**”), enter this Stipulation of Stay.  
 18 In support of this stipulation, the Parties say the following:

- 19 1. This is an action brought by the Plaintiffs alleging multiple claims against the  
 20 Individual Defendants and Alleged Trustees, as well as multiple other persons/entities  
 21 who are not parties to this Stipulation.
- 22 2. Plaintiffs filed their Complaint on December 18, 2018.
- 23 3. This case was transferred to the Multi-District Litigation, *In re National Prescription*  
 24 *Opiate Litigation*, No. 2804 (N.D. Ohio) (the “**MDL**”), by order dated January 18,  
 25 2019.
- 26 4. Plaintiffs filed their Amended Complaint on April 22, 2019 in the MDL.
- 27 5. The Individual Defendants and Alleged Trustees accepted service of the Amended  
 28 Complaint on June 13, 2019, in the MDL subject to a reservation of all defenses  
 (including lack of personal jurisdiction and proper party). *See* June 13, 2019  
 Stipulation, *In re National Prescription Opiate Litigation*, No. 19-op-45022 (DAP),  
 ECF No. 36 (N.D. Ohio June 13, 2019).

6. On February 5, 2020, this case was remanded from the MDL to the Northern District of California. *See* Remand Order, *City and County of San Francisco v. Purdue Pharma L.P.*, No. 3:18 Civ. 7591 (CRB), ECF No. 18 (N.D. Cal. Feb. 5, 2020).
7. On February 17, 2020, the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”) entered the Sixth Amended Order Pursuant to 11 U.S.C. § 105(a) Granting Motion for a Preliminary Injunction sought by Purdue Pharma L.P. and certain of its affiliated Debtors (the “**Debtors**”). *See* Sixth Amended Order Pursuant to 11 U.S.C. § 105(a) Granting Motion for a Preliminary Injunction, *In re Purdue Pharma, L.P.*, No. 19-23649 (RDD), Adv. Pro. No. 19-8289, ECF No. 139 (Bankr. S.D.N.Y. Feb. 17, 2020) (the “**Sixth Amended Order**”) (attached as **Exhibit 1** (without appendices)). The Sixth Amended Order, in line with the Orders that it amended, enjoined cases referenced in the Sixth Amended Order and pending across the nation from proceeding against the Individual Defendants and Alleged Trustees, including actions by “Governmental Defendants” similar to the Plaintiffs. The Sixth Amended Order sets forth a procedure for seeking to include “inactive litigation” that “becomes active” to the injunction. The Individual Defendants and Alleged Trustees understand that the Debtors are in the process of requesting that the Bankruptcy Court add this case to the list of enjoined cases, which would prevent this matter from proceeding against the Individual Defendants and Alleged Trustees.
8. The Parties stipulate and agree that this case shall be stayed as to the Individual Defendants and Alleged Trustees while the Bankruptcy Court determines whether this case will be included with those enjoined by the Preliminary Injunction, and while the Preliminary Injunction (if applicable) remains in effect.
9. The Parties further stipulate that the Individual Defendants and Alleged Trustees shall be afforded 60 days from the date that the Bankruptcy Court notifies the Individual Defendants and Alleged Trustees that this matter will be permitted to proceed (by refusing to extend the Preliminary Injunction to this matter, dissolving the Preliminary Injunction in a manner that allows this matter to proceed, or otherwise) within which to

1 answer or otherwise respond to the Amended Complaint.

2 10. The Individual Defendants and Alleged Trustees reserve all affirmative and other  
3 defenses, including lack of personal jurisdiction and improper party.

4 **SO STIPULATED.**

5  
6 Dated: February 24, 2020

FARELLA BRAUN + MARTEL LLP

7  
8 By: /s/ Russell Taylor  
Russell Taylor

9  
10 Attorneys for Defendants  
11 David A. Sackler, Ilene Sackler Lefcourt,  
12 Jonathan D. Sackler, Kathe A. Sackler, Mortimer  
13 D.A. Sackler, Richard S. Sackler, and Theresa  
14 Sackler, and Richard S. Sackler and Jonathan D.  
Sackler in Their Alleged Capacities as Trustees of the  
Alleged "Trust for the Benefit of Members of the  
Raymond Sackler Family," and Former Attorneys for  
Beverly Sackler

15 Dated: February 24, 2020

Robbins Geller Rudman & Dowd LLP

16  
17 By: /s/ Matthew S. Melamed  
Matthew S. Melamed

18  
19 Attorneys for Plaintiffs The City and County of San  
20 Francisco, California and The People of the State of  
21 California, Acting by and through San Francisco City  
Attorney Dennis J. Herrera

22 **FILER'S ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**


23 I, Russell Taylor, attest that concurrence in the filing of this JOINT STIPULATION AND  
24 [PROPOSED] ORDER FOR PARTIAL STAY has been obtained from other signatory.

25 Executed this 24th day of February 2020, at San Francisco, California.

26 By: /s/ Russell Taylor  
27 Russell Taylor

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2  
3  
4 Dated: February 26, 2020

  
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Hon. Charles R. Breyer  
United States District Judge